



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger
Governor

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Mr. Sam Rojas
Stevenson Ranch Venture, LLC
23823 Valencia Boulevard
Valencia, CA 91355

WATER QUALITY CERTIFICATION FOR PROPOSED STEVENSON RANCH DAM (STATE DAM #97001-004) AND SOFT BOTTOM CHANNEL MAINTENANCE (P.D. #2528) PROJECT (Corps' Project No. 2006-00123-AOA), PICO CANYON CREEK TRIBUTARY TO SANTA CLARA RIVER, SANTA CLARITA, LOS ANGELES COUNTY (File No. 05-205)

Dear Mr. Rojas:

Regional Board staff has reviewed your request on behalf of Stevenson Ranch Venture for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 13, 2006.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 305-2250.

[Original signed by]
Jonathan S. Bishop
Executive Officer

October 17, 2006
Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

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ATTACHMENT A

Project Information File No. 05-205

1. Applicant: Sam Rojas
Stevenson Ranch Venture, LLC
23823 Valencia Boulevard
Valencia, CA 91355

Phone: (661) 255-4283 Fax: (661) 288-1052
2. Applicant's Agent: Christy Cuba
Land Design Consultants
199 South Los Robles Avenue, Suite 250
Pasadena, CA 91101

Phone: (626) 578-7000 Fax: (626) 578-7373
3. Project Name: Stevenson Ranch Dam (State Dam #97001-004) and Soft Bottom Channel (P.D. #2528) Maintenance
4. Project Location: Santa Clarita, Los Angeles County
Longitude: 118° 35' 00" Latitude: 34° 22' 54"
118° 34' 56" 34° 22' 50"
118° 34' 53" 34° 22' 53"
118° 34' 46" 34° 23' 00"
118° 34' 34" 34° 23' 05"
118° 34' 24" 34° 23' 11"
118° 34' 47" 34° 23' 01"
118° 34' 56" 34° 22' 57"
5. Type of Project: Debris basin and channel maintenance
6. Project Purpose: The proposed project will conduct as-needed maintenance on an existing debris basin and the soft-bottom channel leading eastward from it, to ensure that the flood control and filtration system function properly.

The original construction of the basin and channel were part of the Stevenson Ranch development under the following permits:

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- California Department of Fish and Game Streambed Alteration Agreement 5-202-00 (revision 1);
- USACOE No. 2000-01569-AOA; and
- Regional Water Quality Control Board 401 Certification No. 00-101

7. Project Description:

The project consists of maintenance of an existing debris basin and the soft-bottom flood control channel that leads east to the Old Road culvert. Maintenance work will include removal of accumulated sediment, debris and vegetation from the debris basin and the channel. For an unburned watershed condition sediment removals shall occur when the debris basin is more than 25 percent full. For a burned watershed condition, the debris basin will be cleaned out when it is more than five percent fill. Once 25 percent full, or five percent if burned, all sediment and vegetation may be removed to the maintenance baseline as determined by the original as-built conditions. Vegetation in the soft-bottom channel shall be removed as needed to ensure proper functioning for flood control. Vegetation control around the basin may also include herbicide spraying where permitted, mowing, removal of weeds, brush and trees on the embankments, and clearing of overgrown vegetation along the access road and walk paths.

Sediment and debris in the basin and channel filled up to 100% capacity, from the heavy rains of the 2003-04 storm season. The maintenance will continue on an as-needed basis throughout the Certification period.

8. Federal Agency/Permit:

U.S. Army Corps of Engineers
RGP No. 45 (Permit No. 2006-00123-AOA)

9. Other Required
Regulatory Approvals:

California Department of Fish and Game
Streambed Alteration Agreement

10. California
Environmental Quality
Act Compliance:

A Notice of Determination was filed by the Los Angeles Department of Regional Planning on October 9, 2001 with the Los Angeles County Clerk. An Environmental Impact Report was prepared for this project, and the project will not have a significant impact on the environment.

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11. Receiving Water: Pico Canyon Creek tributary to Santa Clara River (Hydrologic Unit No. 403.51)
12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET
- *Conditional Beneficial Use
13. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 9.04 temporary acres (3400 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant:
- Phase I and II of a residential development project area were permitted and constructed more than 5 years ago.
- The Applicant constructed the debris basin and channel as part of Stevenson Ranch Phase III, VTTM 31803, per SAA permit #5-202-00 revision 1, December 12, 2000 and USACE 404 permit file #2000-01570-AOA within the last 5 years.
- The Applicant constructed a bridge adjacent to the basin under SAA permit #5-187-00, January 22, 2001 and USACE 404 permit file #2000-01569-AOA within the last 5 years.
16. Avoidance/Minimization Activities:
- The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The Applicant shall make all reasonable efforts to minimize the extent of disturbance to natural or reestablished vegetated areas that are not obstructing the function of the basin and channel.
 - Dredging material will be properly disposed of in accordance with all local, state and federal regulations.
 - Basin banks will be examined for seepage and structural soundness.

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- The inlet and outlet areas will be checked for erosion and stabilized.
- Designated areas will be set aside for equipment washing and small batch mixing of concrete or other chemicals. The set aside areas will be lined with an impermeable liner and all washings or residue will be collected and properly disposed of following maintenance work.
- All entrances to a site should be stabilized before maintenance work and further disturbance of the site area begins. The purpose of stabilizing entrances to construction site is to minimize the amount of sediment leaving the area as mud and sediment attached to motorized vehicles. Installing a pad of gravel over filter cloth where construction traffic leaves a site can help stabilize a construction entrance. Vibrator plates at the entrance, exit area may also be used to remove sediment from tires and vehicles.
- Equipment will be maintained and if a leaking line cannot be repaired, the equipment will be removed from the area.

17. Proposed Compensatory Mitigation:

No mitigation has been proposed by the Applicant for the maintenance activities within this Certification. The Applicant had originally provided compensatory mitigation for the impacts associated with Phases I, II and III of the Stevenson Ranch Development; to include the construction of the basin and channel and as-needed maintenance.

The Applicant provided 4.02 acres of wetland/riparian habitat within a 7.04-acre mitigation site in Dead Horse Canyon, approximately one mile west of the project area for impacts within Phase III. (The remaining 3.02 acres provided mitigation for impacts associated with Phases I and II.)

The Applicant had also provided in-lieu funding to the U.S. Forest Service arundo removal program for the enhancement of 2.41 acres of streambed habitat.

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18. Required
Compensatory
Mitigation:

Compensatory mitigation requirements for the activities described within this Certification were previously established and provided for, therefore additional mitigation will not be required at this time.

See Attachment B (Conditions), Additional Conditions for modifications and additions of compensatory mitigation.

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Conditions of Certification File No. 05-205

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
8. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
9. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
10. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.
11. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.
12. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
13. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural

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- appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
14. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
 15. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
 16. The Applicant shall not conduct any maintenance activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
 17. The Applicant shall utilize the services of a qualified biologist during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
 18. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
 19. All maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

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20. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
- pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)
 - Downstream TSS shall be maintained at ambient levels
 - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

21. The Applicant shall restore the proposed **9.04 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species where feasible. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
22. The Applicant shall submit to this Regional Board **Annual Project Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until

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mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:

- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
23. Prior to any subsequent maintenance activities within the subject drainages/basin, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage’s/basin’s existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (d) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
24. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.

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**Conditions of Certification
File No. 05-205**

(d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

25. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

_____ (Signature)
_____ (Title)”

26. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **05-205**. Submittals shall be sent to the attention of the Nonpoint Source Unit.

27. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.

28. The project shall comply with the local regulations associated with the Regional Board’s **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.

29. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes

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a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.

30. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
31. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
32. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.